

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1563**

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**Introduced by Assembly Member Donnelly**

January 29, 2014

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An act to amend ~~Section 16520~~ *Sections 26150 and 26155* of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL’S DIGEST

AB 1563, as amended, Donnelly. ~~Firearms. Firearms: concealed weapons.~~

*Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm to an applicant for that license if the applicant is of good moral character, good cause exists for issuance of the license, the applicant meets specified residency requirements, and the applicant has completed a specified course of training, including firearm safety.*

*This bill would require the sheriff or head of a municipal police department to issue that license if the applicant meets those requirements. The bill would also specify that good cause, for purposes of these provisions, includes personal protection or self-defense. Because the bill would impose new duties on local law enforcement officials who would be required to issue these licenses if all of the requirements are met, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law generally regulates the transfer and possession of firearms. Existing law defines “firearm” in various ways for various regulatory purposes.~~

~~This bill would make technical, nonsubstantive changes to the provisions defining “firearm” for those purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 26150 of the Penal Code is amended to*  
2     *read:*

3     26150. (a) When a person applies for a license to carry a pistol,  
4     revolver, or other firearm capable of being concealed upon the  
5     person, the sheriff of a county ~~may~~ *shall* issue a license to that  
6     person upon proof of all of the following:

7         (1) The applicant is of good moral character.

8         (2) (A) Good cause exists for issuance of the license.

9         (B) *For purposes of this subdivision, “good cause” includes,*  
10     *but is not limited to, personal protection or self-defense.*

11         (3) The applicant is a resident of the county or a city within the  
12     county, or the applicant’s principal place of employment or  
13     business is in the county or a city within the county and the  
14     applicant spends a substantial period of time in that place of  
15     employment or business.

16         (4) The applicant has completed a course of training as described  
17     in Section 26165.

18     (b) The sheriff may issue a license under subdivision (a) in  
19     either of the following formats:

20         (1) A license to carry concealed a pistol, revolver, or other  
21     firearm capable of being concealed upon the person.

22         (2) ~~Where~~ *If* the population of the county is less than 200,000  
23     persons according to the most recent federal decennial census, a  
24     license to carry loaded and exposed in only that county a pistol,  
25     revolver, or other firearm capable of being concealed upon the  
26     person.

1     *SEC. 2. Section 26155 of the Penal Code is amended to read:*

2     26155. (a) When a person applies for a license to carry a pistol,  
3 revolver, or other firearm capable of being concealed upon the  
4 person, the chief or other head of a municipal police department  
5 of any city or city and county ~~may~~ *shall* issue a license to that  
6 person upon proof of all of the following:

7     (1) The applicant is of good moral character.

8     (2) (A) Good cause exists for issuance of the license.

9     (B) *For purposes of this subdivision, “good cause” includes,*  
10 *but is not limited to, personal protection or self-defense.*

11     (3) The applicant is a resident of that city.

12     (4) The applicant has completed a course of training as described  
13 in Section 26165.

14     (b) The chief or other head of a municipal police department  
15 may issue a license under subdivision (a) in either of the following  
16 formats:

17     (1) A license to carry concealed a pistol, revolver, or other  
18 firearm capable of being concealed upon the person.

19     (2) ~~Where~~ *If* the population of the county in which the city is  
20 located is less than 200,000 persons according to the most recent  
21 federal decennial census, a license to carry loaded and exposed in  
22 only that county a pistol, revolver, or other firearm capable of  
23 being concealed upon the person.

24     (c) Nothing in this chapter shall preclude the chief or other head  
25 of a municipal police department of any city from entering an  
26 agreement with the sheriff of the county in which the city is located  
27 for the sheriff to process all applications for licenses, renewals of  
28 licenses, and amendments to licenses, pursuant to this chapter.

29     *SEC. 3. If the Commission on State Mandates determines that*  
30 *this act contains costs mandated by the state, reimbursement to*  
31 *local agencies and school districts for those costs shall be made*  
32 *pursuant to Part 7 (commencing with Section 17500) of Division*  
33 *4 of Title 2 of the Government Code.*

34     ~~SECTION 1. Section 16520 of the Penal Code is amended to~~  
35 ~~read:~~

36     ~~16520. (a) As used in this part, the term “firearm” means a~~  
37 ~~device, designed to be used as a weapon, from which is expelled~~  
38 ~~through a barrel, a projectile by the force of an explosion or other~~  
39 ~~form of combustion.~~

~~(b) As used in the following provisions, the term “firearm” includes the frame or receiver of the weapon:~~

- ~~(1) Section 16550.~~
- ~~(2) Section 16730.~~
- ~~(3) Section 16960.~~
- ~~(4) Section 16990.~~
- ~~(5) Section 17070.~~
- ~~(6) Section 17310.~~
- ~~(7) Sections 26500 to 26588, inclusive.~~
- ~~(8) Sections 26600 to 27140, inclusive.~~
- ~~(9) Sections 27400 to 28000, inclusive.~~
- ~~(10) Section 28100.~~
- ~~(11) Sections 28400 to 28415, inclusive.~~
- ~~(12) Sections 29010 to 29150, inclusive.~~
- ~~(13) Sections 29610 to 29750, inclusive.~~
- ~~(14) Sections 29800 to 29905, inclusive.~~
- ~~(15) Sections 30150 to 30165, inclusive.~~
- ~~(16) Section 31615.~~
- ~~(17) Sections 31705 to 31830, inclusive.~~
- ~~(18) Sections 34355 to 34370, inclusive.~~
- ~~(19) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.~~

~~(c) As used in the following provisions, the term “firearm” also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:~~

- ~~(1) Section 16750.~~
- ~~(2) Subdivision (b) of Section 16840.~~
- ~~(3) Section 25400.~~
- ~~(4) Sections 25850 to 26025, inclusive.~~
- ~~(5) Subdivisions (a), (b), and (c) of Section 26030.~~
- ~~(6) Sections 26035 to 26055, inclusive.~~
- ~~(d) As used in the following provisions, the term “firearm” does not include an unloaded antique firearm:~~
- ~~(1) Subdivisions (a) and (c) of Section 16730.~~
- ~~(2) Section 16550.~~
- ~~(3) Section 16960.~~
- ~~(4) Section 17310.~~

1 ~~(5) Chapter 6 (commencing with Section 26350) of Division 5~~  
2 ~~of Title 4.~~

3 ~~(6) Chapter 7 (commencing with Section 26400) of Division 5~~  
4 ~~of Title 4.~~

5 ~~(7) Sections 26500 to 26588, inclusive.~~

6 ~~(8) Sections 26700 to 26915, inclusive.~~

7 ~~(9) Section 27510.~~

8 ~~(10) Section 27530.~~

9 ~~(11) Section 27540.~~

10 ~~(12) Section 27545.~~

11 ~~(13) Sections 27555 to 27570, inclusive.~~

12 ~~(14) Sections 29010 to 29150, inclusive.~~

13 ~~(15) Section 25135.~~

14 ~~(e) As used in Sections 34005 and 34010, the term “firearm”~~  
15 ~~does not include a destructive device.~~

16 ~~(f) As used in Sections 17280 and 24680, the term “firearm”~~  
17 ~~has the same meaning as in Section 922 of Title 18 of the United~~  
18 ~~States Code.~~

19 ~~(g) As used in Sections 29010 to 29150, inclusive, the term~~  
20 ~~“firearm” includes the unfinished frame or receiver of a weapon~~  
21 ~~that can be readily converted to the functional condition of a~~  
22 ~~finished frame or receiver.~~